

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
July 1, 2011	)	WCB/Pricing File No. 11-04
Annual Access Charge Tariff Filings	)	
	)	

**ORDER**

**Adopted: March 29, 2011**

**Released: March 29, 2011**

By the Chief, Pricing Policy Division:

SHORT FORM TRP:	May 17, 2011
COMMENTS:	May 27, 2011
REPLIES:	June 3, 2011
 15-DAY TARIFF FILINGS	 June 16, 2011
PETITIONS:	June 22, 2011
REPLIES:	June 27, 2011 (due no later than 12:00 p.m. (noon) Eastern Time)
 7-DAY TARIFF FILINGS:	 June 24, 2011
PETITIONS:	June 28, 2011 (due no later than 12:00 p.m. (noon) Eastern Time)
REPLIES:	June 29, 2011 (due no later than 12:00 p.m. (noon) Eastern Time)

**I. INTRODUCTION**

1. This order establishes procedures for the 2011 filing of annual access charge tariffs and Tariff Review Plans (TRPs) for incumbent local exchange carriers (ILECs) subject to price caps and those ILECs subject to Section 61.39 of the Commission's rules.<sup>1</sup> This order (1) sets an effective date of July 1, 2011 for the July 2011 annual tariff filings; (2) establishes the dates for filing petitions to suspend or reject an ILEC tariff filing and replies to such petitions; and (3) addresses service of the petitions and replies. It also sets the date that price cap carriers must file the short form TRP.<sup>2</sup> All correspondence and comments in connection with these filings should refer to the caption of this proceeding, *July 1, 2011 Annual Access Charge Tariff Filings*, WCB/Pricing File No. 11-04.

<sup>1</sup> 47 C.F.R. § 61.39.

<sup>2</sup> The price cap ILECs that must file a short form TRP on May 17, 2011, are the ACS Companies; the Ameritech Operating Companies; BellSouth Telecommunications, Inc.; CenturyTel Operating Companies; Cincinnati Bell Telephone; Consolidated Communications; Embarq Local Telephone Companies; Frontier Telephone Companies; Hawaiian Telecom, Inc.; Illinois Consolidated Telephone Company; Micronesian Telecommunications, Corp.; Nevada Bell Telephone Company; Pacific Bell Telephone Company; Puerto Rico Telephone Company; Qwest Corporation; Southern New England Telephone; Southwestern Bell Telephone; The Fairpoint Telephone Companies; The Verizon Telephone Companies; Virgin Islands Telephone Company and Windstream Telephone System.

## II. DISCUSSION

### A. Tariff Effective Date and Tariff Filing Dates

2. ILECs are permitted to make their tariff filings on either 15 or seven days prior to the effective date of their tariffs, depending on the type of changes the tariffs propose.<sup>3</sup> The Commission's rules require that annual access tariff filings must be filed with a scheduled effective date of July 1.<sup>4</sup> ILECs filing tariffs on 15 days' notice must make their annual tariff filings on June 16, 2011 and ILECs filing tariffs on 7 days' notice must make their annual tariff filings on June 24, 2011.

3. ILECs that file tariffs under the price cap ratemaking methodology are required to file revised annual access tariffs every year.<sup>5</sup> ILECs that file tariffs under rate-of-return ratemaking methodology are required to file every other year. ILECs filing pursuant to the requirements of section 61.38 of the Commission's rules are required to file in even-numbered years.<sup>6</sup> Those filing pursuant to section 61.39 of the Commission's rules are required to file in odd-numbered years and are not required to submit supporting material with the revised tariff.<sup>7</sup> Because 2011 is an odd-numbered year, only the price cap ILECs and the ILECs filing pursuant to section 61.39 are required to file revised access tariffs this year. Any rate-of-return ILEC subject to section 61.38 may elect to make a voluntary tariff filing at this time.

### B. Tariff Review Plan Filing Dates

4. Price cap ILECs are required to submit both a short form TRP and a long-form TRP. Section 61.49(k) of the Commission's rules requires price cap ILECs to file a short form TRP without rate detail information 90 days prior to the usual effective date of July 1.<sup>8</sup> In previous years, we have waived section 61.49(k) and allowed price cap ILECs to file the short form TRP on May 1<sup>st</sup> of the particular year.<sup>9</sup> In 2010, the United States Telecom Association (USTelecom) filed a petition requesting that the Bureau issue a further extension of the deadline and permit price cap ILECs to file the short form TRP on May 17, 2010 to allow for additional time to review the exogenous cost data.<sup>10</sup> The Bureau granted the petition and waived Section 61.49(k) of the rules.<sup>11</sup> On March 11, 2011, USTelecom filed a request for a similar extension for 2011, arguing that similar to last year, they need additional time to review the exogenous cost data.<sup>12</sup> By Public Notice issued March 14, 2011, we sought comment on the

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<sup>3</sup> 47 U.S.C. § 204(a)(3).

<sup>4</sup> 47 C.F.R. § 69.3(a).

<sup>5</sup> 47 C.F.R. § 61.43.

<sup>6</sup> 47 C.F.R. § 61.38; 47 C.F.R. § 69.3(f)(1).

<sup>7</sup> 47 C.F.R. § 61.39; 47 C.F.R. § 69.3(f)(2).

<sup>8</sup> 47 C.F.R. § 61.49(k).

<sup>9</sup> See, e.g., *July 1, 2009 Annual Access Charge Tariff Filings*, WCB/Pricing File No. 09-02, Order, 24 FCC Rcd 3664 (Wireline Comp. Bur., 2009).

<sup>10</sup> See Petition of the United States Telecom Association for Waiver of Rule 61.49(k)'s Non-exogenous Cost Data Requirements for the Short Form Tariff Review Plan and for Waiver of Rule 61.49(k)'s Deadline for Filing the Exogenous Cost Data Requirements of the Short Form Tariff Review Plan, WC Docket No. 10-46 at 1 (filed Feb. 4, 2010) (USTelecom Petition).

<sup>11</sup> 47 C.F.R. § 61.49(k).

<sup>12</sup> See Petition of the United States Telecom Association for Waiver of Rule 61.49(k)'s Non-exogenous Cost Data Requirements for the Short Form Tariff Review Plan and for Waiver of Rule 61.49(k)'s Deadline for Filing the

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USTelecom Petition.<sup>13</sup> No comments were filed. Accordingly, for this year's filing, we waive the 90-day requirement and permit the short form TRP to be filed on May 17, 2011.<sup>14</sup> As in the past, we will issue a separate order that will provide the details of the price cap short form and regular TRPs.<sup>15</sup> Comments on the short form TRP will be due on May 27, 2011. Reply comments will be due June 3, 2011.

### C. Tariff and Tariff Review Plan Filing Instructions

5. ILECs must use the Commission's Electronic Tariff Filing System (ETFS) to file all of their tariff material.<sup>16</sup> ILECs should make every effort to file as early in the day as possible to avoid any complications in meeting the May 17, 2011, June 16, 2011 and June 24, 2011, pre-7:00 p.m. Eastern Time deadlines for filing with the ETFS. Price cap ILEC short form TRP filings must be received by ETFS after 7:00 p.m. Eastern Time on May 16, 2011 and before 7:00 p.m. Eastern Time on May 17, 2011 for the filing to be considered officially received on May 17, 2011. ILEC tariff filings must be received by ETFS after 7:00 p.m. Eastern Time on June 15, 2011 and before 7:00 p.m. Eastern Time on June 16, 2011 for the filing to be considered officially received on June 16, 2011. ILEC tariff filing must be received after 7:00 p.m. Eastern Time on June 23, 2011 and before 7:00 p.m. Eastern Time on June 24, 2011 for the filing to be considered officially received on June 24, 2011.

6. Copies of the information filed electronically may be obtained via the Internet using the ETFS at <http://svartifoss2.fcc.gov/prod/ccb/etfs>, or from Best Copy and Printing, Inc., (202) 488-5300, Portals II, at 445 12<sup>th</sup> Street, SW, Room CY-B402, Washington, DC 20554. For more information on any of the cost support, contact Richard Kwiatkowski at (202) 418-1540, Pricing Policy Division, Wireline Competition Bureau.

### D. Pleading Filing Dates and Procedures

7. In accordance with the tariff filing schedule, petitions to suspend or reject tariff filings made on 15 days' notice will be due June 22, 2011 and replies will be due no later than 12:00 p.m. (noon) Eastern Time June 27, 2011. Petitions to suspend or reject tariff filings made on seven days' notice will be due no later than 12:00 p.m. (noon) Eastern Time on June 28, 2011 and reply comments will be due no later than 12 p.m. (noon) Eastern Time on June 29, 2011.

8. Parties filing pleadings are encouraged to use ETFS in order to facilitate access to these documents. Comments and reply comments should reference **WCB/Pricing File No. 11-04**. Parties filing paper copies must file an original and four (4) copies of each filing.

9. Paper filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays receiving U.S. Postal Service mail.) Therefore, the Commission advises that electronic media NOT be

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Exogenous Cost Data Requirements of the Short Form Tariff Review Plan, WC Docket No. 10-46 at 2 (filed March 11, 2011).

<sup>13</sup> *United States Telecom Association Petition for Waiver of Requirements in Section 61.49(k) of the Commission's Rules for the Short Form Tariff Review Plan*, WC Docket No. 10-46, Public Notice, DA 11-492 (Pricing Pol. Div., rel. Mar. 14, 2011).

<sup>14</sup> See 47 C.F.R. § 61.49(k).

<sup>15</sup> See *Material to be Filed in Support of 2011 Annual Access Tariff Filings*, WCB/Pricing File No. 11-05, Order, DA 11-570 (Wireline Comp. Bur., rel. Mar. 29, 2011).

<sup>16</sup> 47 C.F.R. § 61.13(b).

sent through the U.S. Postal Service.

10. All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12<sup>th</sup> Street, SW, Washington, DC.

- Hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> St., SW, Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. The filing hours at this location are 8:00 a.m. to 7:00 p.m.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW, Washington DC 20554.
- People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

11. Three (3) paper copies and one e-mail copy of the comments and reply comments should also be sent to Richard Kwiatkowski, Pricing Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12<sup>th</sup> Street, SW, Room 5-A460, Washington, DC 20554, [Richard.Kwiatkowski@fcc.gov](mailto:Richard.Kwiatkowski@fcc.gov). A courtesy copy should be addressed to the Chief, Pricing Policy Division, Wireline Competition Bureau, 445 12<sup>th</sup> Street, SW, Room 5-A225, Washington, DC 20554 and e-mailed to [Pamela.Arluk@fcc.gov](mailto:Pamela.Arluk@fcc.gov). Parties shall also serve one copy with Best Copy and Printing, Inc., Portals II, 445 12<sup>th</sup> Street, SW, Room CY-B402, Washington, DC 20554, (202) 488-5300, or via e-mail to [FCC@BCPIWEB.COM](mailto:FCC@BCPIWEB.COM).

#### **E. SERVICE**

12. Because there is limited time available for review of the petitions and replies, we establish the following service requirements for these filings. On the date a filing is submitted to the Commission, it shall be served upon the filing local exchange carrier or the petitioner, respectively, or its attorney or other duly constituted agent, by personal delivery or by facsimile transmission.<sup>17</sup> Parties are instructed to provide contact persons and facsimile numbers in their filings. Parties filing petitions and replies electronically are reminded they are still required to serve copies in accordance with the requirements stated in this paragraph.

### **III. ORDERING CLAUSES**

13. Accordingly, IT IS ORDERED that, pursuant to sections 1, 4 (i) and (j), 201-209, of the Communications Act, as amended, 47 U.S.C. §§ 151, 154(i), (j), 201-209, and pursuant to authority delegated in sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, this order IS HEREBY ADOPTED as described above.

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<sup>17</sup> 47 C.F.R. §§ 1.773(a)(4), (b)(3). We waive any inconsistent portions of section 1.47(d) of the Commission's rules. 47 C.F.R. § 1.47(d).

14. IT IS FURTHER ORDERED that, pursuant to section 1.3 of the Commission's rules, 47 C.F.R. § 1.3, and pursuant to authority delegated in sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, section 61.49(k) of the Commission's rules, 47 C.F.R. § 61.49(k), IS WAIVED for the purpose specified in paragraph 4 *supra*.

15. IT IS FURTHER ORDERED that, pursuant to section 1.3 of the Commission's rules, 47 C.F.R. § 1.3, and pursuant to authority delegated in sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, sections 1.4(f) and 1.773(b) of the Commission's rules, 47 C.F.R. §§ 1.4(f), 1.773(b), ARE WAIVED for the purpose specified in paragraph 7 *supra*.

16. IT IS FURTHER ORDERED that, pursuant to section 1.3 of the Commission's rules, 47 C.F.R. § 1.3, and pursuant to authority delegated in sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, section 1.47(d) of the Commission's rules, 47 C.F.R. § 1.47(d), IS WAIVED for the purpose specified in paragraph 12, note 17 *supra*.

FEDERAL COMMUNICATIONS COMMISSION

Albert M. Lewis  
Chief, Pricing Policy Division  
Wireline Competition Bureau